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Attorneys for Plaintiffs

United States District Court for the
Eastern District of California

DELMAR CALLAWAY, DAVID DOYLE, JUDY)
DOYLE, SHEILA GUERRA, MAYNARD)
GAINES, ANTHONY PIERCY, LINDA PIERCY,)
CHARLES YARBOROUGH, IMOGENE)
ZANDER, FREDDIE McLAURIN, AND ARC)
ECOLOGY,)

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE AIR)
FORCE, UNITED STATES DEPARTMENT OF)
DEFENSE, and DONALD RUMSFELD IN HIS)
OFFICIAL CAPACITY AS UNITED STATES)
SECRETARY OF DEFENSE,)

Defendants

No: CIV. S-01-0574 MCE GGH

**STIPULATION AND ORDER OF
DISMISSAL**

WHEREAS, Plaintiff filed their complaint in this case on April 9, 2001, which asserted three causes of action.

WHEREAS, this Court dismissed Plaintiffs' first and second causes of action in an order dated September 6, 2001.

WHEREAS, on October 21, 2003, the Court issued a Memorandum and Order which granted in part and denied in part a summary judgment motion filed by the Defendant and denied a cross-motion for summary judgement filed by the Plaintiffs

1 WHEREAS, the Plaintiff's third cause of action remains before the Court.

2 NOW, THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(2), the parties,
3 acting by and through the undersigned counsel of record, stipulate as follows:

4 1. The Plaintiffs' Complaint, and each of the claims and causes of action asserted therein,
5 should be dismissed with prejudice.

6 2. Each party shall bear its own fees and costs.

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8 Dated June 29, 2005

COX & MOYER

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By: /s/
SCOTT J. ALLEN
Attorneys for Plaintiffs

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KELLY A. JOHNSON
Acting Assistant Attorney General
Environment and Natural Resources Division

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Dated: June 29, 2005

/s/
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~~PROPOSED~~ ORDER OF DISMISSAL

Pursuant to the stipulation of the parties, this Court hereby orders as follows:

1. The Plaintiffs' complaint, and all claims and causes of action asserted therein, is hereby dismissed with prejudice.
2. The parties are to bear their own costs and attorneys fees incurred in this litigation.

IT IS SO ORDERED.

Dated: July 1, 2005


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE